

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

PAULA ANN MILLIGAN and
HAROLD MONTGOMERY MILLIGAN,

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

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Civil No. 3:07-1053
Judge Trauger

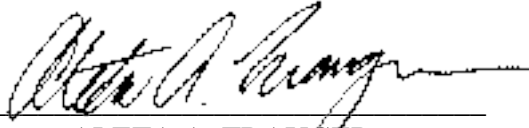
ORDER

The federal defendants have filed a Motion to Dismiss alleging, in part, that the Complaint fails to state a claim upon which relief can be granted under Rule 12(b)(6), FED. R. CIV. P. That rule mandates that if such a motion presents matters outside the pleadings, the motion must be treated as one for summary judgment and disposed of under Rule 56. The federal defendants rely upon numerous affidavits and exhibits. Therefore, this court must treat the federal defendants' Motion to Dismiss as one for summary judgment. Therefore, in responding, the plaintiffs may present all material that would be pertinent to a decision on the issues under the summary judgment standard.

The plaintiffs' response is due March 10, 2008. The federal defendants may file a reply by March 20, 2008.

It is so **ORDERED**.

ENTER this 11th day of February 2008.



ALETA A. TRAUGER
U.S. District Judge